

Senate File 2008 - Introduced

SENATE FILE _____
BY BOLKCOM

Passed Senate, Date _____ Passed House, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to an agreement among the states to elect the
2 president by national popular vote and providing an effective
3 date.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
5 TLSB 5097SS 82
6 sc/nh/14

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1 1 Section 1. NEW SECTION. 54.10 SECTIONS SUPERSEDED.
1 2 Section 54.11, if effective, is in lieu of the provisions
1 3 of sections 54.1 through 54.3.
1 4 Sec. 2. NEW SECTION. 54.11 AGREEMENT AMONG THE STATES TO
1 5 ELECT THE PRESIDENT BY NATIONAL POPULAR VOTE.
1 6 The agreement among the states to elect the president by
1 7 national popular vote may be cited as the "National Popular
1 8 Vote Compact". The national popular vote compact is entered
1 9 into and enacted into law with each other state that has
1 10 enacted the compact in substantially the following form:
1 11 1. ARTICLE I == MEMBERSHIP. Any state of the United
1 12 States and the District of Columbia may become a member of
1 13 this agreement by enacting this agreement.
1 14 2. ARTICLE II == RIGHT OF THE PEOPLE IN MEMBER STATES TO
1 15 VOTE FOR PRESIDENT AND VICE PRESIDENT. Each member state
1 16 shall conduct a statewide popular election for president and
1 17 vice president of the United States.
1 18 3. ARTICLE III == MANNER OF APPOINTING PRESIDENTIAL
1 19 ELECTORS IN MEMBER STATES.
1 20 a. Prior to the time set by law for the meeting and voting
1 21 by the presidential electors, the chief election official of
1 22 each member state shall determine the number of votes for each
1 23 presidential slate in each state of the United States and in
1 24 the District of Columbia in which votes have been cast in a
1 25 statewide popular election and shall add such votes together
1 26 to produce a "national popular vote total" for each
1 27 presidential slate.
1 28 The chief election official of each member state shall
1 29 designate the presidential slate with the largest national
1 30 popular vote total as the "national popular vote winner".
1 31 The presidential elector certifying official of each member
1 32 state shall certify the appointment in that official's own
1 33 state of the elector slate nominated in that state in
1 34 association with the national popular vote winner.
1 35 b. At least six days before the day fixed by law for the
2 1 meeting and voting by the presidential electors, each member
2 2 state shall make a final determination of the number of
2 3 popular votes cast in the state for each presidential slate
2 4 and shall communicate an official statement of such
2 5 determination within twenty-four hours to the chief election
2 6 official of each other member state.
2 7 The chief election official of each member state shall
2 8 treat as conclusive an official statement containing the
2 9 number of popular votes in a state for each presidential slate
2 10 made by the day established by federal law for making a
2 11 state's final determination conclusive as to the counting of
2 12 electoral votes by Congress.
2 13 c. In event of a tie for the national popular vote winner,
2 14 the presidential elector certifying official of each member
2 15 state shall certify the appointment of the elector slate
2 16 nominated in association with the presidential slate receiving
2 17 the largest number of popular votes within that official's own
2 18 state.
2 19 d. If, for any reason, the number of presidential electors

2 20 nominated in a member state in association with the national
2 21 popular vote winner is less than or greater than that state's
2 22 number of electoral votes, the presidential candidate on the
2 23 presidential slate that has been designated as the national
2 24 popular vote winner shall have the power to nominate the
2 25 presidential electors for that state and that state's
2 26 presidential elector certifying official shall certify the
2 27 appointment of such nominees. The chief election official of
2 28 each member state shall immediately release to the public all
2 29 vote counts or statements of votes as they are determined or
2 30 obtained.

2 31 e. This article shall govern the appointment of
2 32 presidential electors in each member state in any year in
2 33 which this agreement is, on July 20, in effect in states
2 34 cumulatively possessing a majority of the electoral votes.

2 35 4. ARTICLE IV == OTHER PROVISIONS.

3 1 a. This agreement shall take effect when states
3 2 cumulatively possessing a majority of the electoral votes have
3 3 enacted this agreement in substantially the same form and the
3 4 enactments by such states have taken effect in each state.

3 5 b. Any member state may withdraw from this agreement,
3 6 except that a withdrawal occurring six months or less before
3 7 the end of a president's term shall not become effective until
3 8 a president or vice president shall have been qualified to
3 9 serve the next term.

3 10 c. The chief executive of each member state shall promptly
3 11 notify the chief executives of all other states of when this
3 12 agreement has been enacted and has taken effect in that
3 13 official's state, when the state has withdrawn from this
3 14 agreement, and when this agreement takes effect generally.

3 15 d. This agreement shall terminate if the electoral college
3 16 is abolished.

3 17 e. If any provision of this agreement is held invalid, the
3 18 remaining provisions shall not be affected.

3 19 5. ARTICLE V == DEFINITIONS. For purposes of this
3 20 agreement:

3 21 a. "Chief election official" shall mean the state official
3 22 or body that is authorized to certify the total number of
3 23 popular votes for each presidential slate.

3 24 b. "Chief executive" shall mean the governor of a state of
3 25 the United States or the mayor of the District of Columbia.

3 26 c. "Elector slate" shall mean a slate of candidates who
3 27 have been nominated in a state for the position of
3 28 presidential elector in association with a presidential slate.

3 29 d. "Presidential elector" shall mean an elector for
3 30 president and vice president of the United States.

3 31 e. "Presidential elector certifying official" shall mean
3 32 the state official or body that is authorized to certify the
3 33 appointment of the state's presidential electors.

3 34 f. "Presidential slate" shall mean a slate of two persons,
3 35 the first of whom has been nominated as a candidate for
4 1 president of the United States and the second of whom has been
4 2 nominated as a candidate for vice president of the United
4 3 States, or any legal successors to such persons, regardless of
4 4 whether both names appear on the ballot presented to the voter
4 5 in a particular state.

4 6 g. "State" shall mean a state of the United States and the
4 7 District of Columbia.

4 8 h. "Statewide popular election" shall mean a general
4 9 election in which votes are cast for presidential slates by
4 10 individual voters and counted on a statewide basis.

4 11 EXPLANATION

4 12 This bill creates a compact for the state of Iowa whereby
4 13 the state agrees to certify its electors for president of the
4 14 United States based on the national popular vote for
4 15 president, rather than on the popular vote for president
4 16 within the state. The agreement is cited in the bill as the
4 17 "National Popular Vote Compact". To take effect, the compact
4 18 must be enacted by any number of states whose electoral votes,
4 19 in the aggregate, constitute a majority of the entire number
4 20 of electoral votes nationally. The compact provides that any
4 21 member state may withdraw from the compact. However, if a
4 22 withdrawal occurs six months or less before the end of a
4 23 president's term, the withdrawal shall not take effect until a
4 24 president has qualified to serve the next term.

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